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| CERTIFICATE OF EXPRESS MAIL  |                 |
|--|-----------------|
| NUMBER   | EL 831787598 US |
| DATE OF DEPOSIT  | August 31, 2001 |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231. |                 |
| <br>Jennifer L. Purnell  |                 |

jc879 U.S. PTO  
09/04/01  
08/31/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: INNS008—3  
11362.0008.DVUS02

Prior Application Examiner:  
K. Horlick

Classification Designation:  
435-005

Prior Group Art Unit: 1656

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/580,794 filed May 30, 2000, entitled "METHOD FOR DETECTION OF DRUG-INDUCED MUTATIONS IN THE REVERSE TRANSCRIPTASE GENE."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/913,833 filed September 15, 1997 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no

amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- (a) ☒ The inventorship is the same as prior Application Serial No. 08/913,833.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☒ Priority to PCT/EP97/00211, filed January 17, 1997 is claimed under 35 U.S.C. § 120 and 365(a)-(c). Priority to EP 96870005.4 filed January 26, 1996 and EP 96870081.5 filed June 25, 1996 is claimed under 35 U.S.C. §119(a)-(e). The certified copy:
- ☐ is enclosed.
- ☒ has been filed in the prior Application Serial No. 08/913,833

- ☐ 2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

- ☒ 3. Please charge **Deposit Account No. 01-2508/11362.0008.DVUS02** the amount of \$710.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

| FOR                               | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE | FEE              |
|-----------------------------------|-----------------|-----------------|------|------------------|
| Basic Fee -----                   |                 |                 |      | \$710.00         |
| Total Claims                      | 28 - 20 =       | 8 X             | \$18 | 144.00           |
| Independent Claims                | 4 - 3 =         | 1 X             | \$80 | 80.00            |
| Multiple Dependent Claim(s) ----- |                 |                 |      | \$270.00         |
| <b>TOTAL FILING FEES:</b>         |                 |                 |      | <b>\$1204.00</b> |

- ☐ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Deposit Account No. 01-2508/11362.0008.DVUS02.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.

- ☒ 7. Address all future communications to:

Patricia A. Kammerer  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

- ☒ 8. The prior application is presently assigned to INNOGENETICS N.V.

- ☒ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

- ☒ 10. Cancel in this application claims 1-14 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).


- ☐ 11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No.        filed        --.

- ☒ 12. Enclosed are formal drawings.

TO: "E30" E36E4660

13. ☒ An Information Disclosure Statement (IDS) is enclosed.
- ☒ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
14. ☒ Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 08/913,833 filed September 15, 1997, for use in this application.
15. ☐ Other: \_\_\_\_\_.
16. ☒ Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,

  
Patricia A. Kammerer  
Reg. No. 29,775  
Attorney for Assignee  
INNOGENETICS N.V.

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
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Date: August 31, 2001